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A Crime Package—or a Bomb?

The Nixon Administration's anti-crime package for the District of Columbia can best be described as a block-buster. It calls for sweeping changes in the structure of the court system, civil as well as criminal, changes so sweeping in fact that they would come close to creating a judiciary independent of Federal authority. With all this come major changes in the substance of the criminal law that applies in the District.

The breadth of the package is so great and it is being presented to Congress so late in this session that real questions arise about the possibility of speedy legislative action. It is understandable why this has happened. The Justice Department set out to create a new court system and to make the criminal law much tougher at the same time. By biting off so much at one time, even though it can be argued that both are needed, the Administration has unnecessarily risked at least a temporary defeat in its efforts to alleviate the intolerable delays that plague the administration of justice here.

The extent of the changes proposed will undoubtedly produce many weeks of agonizing debate among the District's lawyers, judges and others interested in the judicial system. There are parts of the package which invite opposition from almost every sector of the legal community—from the large downtown firms to the groups that provide free counsel for the poor. Many of the proposals are so drastic that they deserve this kind of scrutiny and that, in itself, will be a barrier to rapid enactment.

A first look at the 349-page package indicates that there are good and bad ideas in it as well as ones which are radical enough to require searching study. The proposed revision in the structure of

the courts, for example, encompasses stripping the United States Court of Appeals and the United States District Court of all matters which would be handled by state courts elsewhere. At the same time, however, the idea is not to make the proposed judiciary purely local since the power of selecting judges would remain with the President and the power of prosecuting criminal cases would remain with the Department of Justice.

The bills would also authorize broad-scale wire-tapping in the District, not only in institutions involving national security or organized crime but also in cases of burglary, grand larceny, and the use of marijuana. They would change the limits now placed on some searches by police, amend the Bail Reform Act, remove the requirement that the local courts follow the Federal rules of procedure, sharply increase the penalties for certain crimes and provide life sentences for three-time losers. At the same time, the bills would create an entirely new process for handling intra-family disputes, greatly strengthen the bail agency, turn the Legal Aid Agency into a public defender system, and create an executive officer to run the local courts.

We will return to these proposals individually in subsequent editorials. It is enough for now to note that the Administration has kept, although somewhat belatedly, the President's promise to come forth with major reforms in the system of justice here—kept it, you might say, with a vengeance. The question immediately posed by this comprehensive and controversial crime package is whether it may not prove so explosive that it will destroy itself.